

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

KENISHA TORRES VICENTE,

Plaintiff,

v.

Case No: 6:22-cv-1057-LHP

COMMISSIONER OF SOCIAL
SECURITY,

Defendant

ORDER¹

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: MOTION FOR ATTORNEY'S FEES PURSUANT TO
THE EQUAL ACCESS TO JUSTICE ACT, 28 U.S.C. §
2412 (Doc. No. 28)**

FILED: July 5, 2023

THEREON it is ORDERED that the motion is GRANTED.

¹ The parties have consented to the exercise of jurisdiction by a United States Magistrate Judge. See Doc. Nos. 19, 22-23.

Plaintiff, through counsel of record, filed a complaint against the Commissioner of Social Security regarding the denial of an application for disability benefits. Doc. No. 1. On April 10, 2023, the Court reversed and remanded the case to the Commissioner pursuant to sentence four of 42 U.S.C. § 405(g). Doc. No. 26. Judgment was entered in favor of Plaintiff and against the Commissioner the following day. Doc. No. 27.

By the present motion, Plaintiff seeks an award of attorney's fees pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412(d). Doc. No. 28. Plaintiff requests a total of \$6,075.25 in attorney's fees under the EAJA, for work performed by her counsel, counsel's staff, and other attorneys not admitted to practice before this Court. *Id.* at 1-2. *See also* Doc. No. 28-1. The Commissioner does not oppose the motion. Doc. No. 28, at 2.

Upon consideration, and absent any objection from the Commissioner, the Court finds the request for fees pursuant to the EAJA well taken.² Accordingly, Plaintiff's Motion for Attorney's Fees Pursuant to the Equal Access to Justice Act,

² Plaintiff has demonstrated that the requested hourly rates for work performed by counsel, counsel's staff, and the other non-admitted attorneys do not exceed the EAJA cap of \$125.00 per hour adjusted for inflation. *See* Doc. No. 28.

28 U.S.C. § 2412 (Doc. No. 28) is **GRANTED**, to the extent that Plaintiff is awarded a total of \$6,075.25 in attorney's fees under the EAJA.³

DONE and **ORDERED** in Orlando, Florida on July 6, 2023.



LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties

³ Plaintiff's motion references an assignment of EAJA fees from Plaintiff to counsel. Doc. No. 28, at 7. *See also* Doc. No. 28-14. However, Plaintiff states only that "[i]f the United States Department of Treasury determines that Plaintiff owes no debt that is subject to offset, the government will accept the assignment of EAJA fees and pay such fees directly to Plaintiff's attorney." Doc. No. 28, at 7. The government may exercise its discretion to honor Plaintiff's assignment of attorney's fees awarded under the EAJA if the government determines that Plaintiff does not owe a federal debt, but the Court will not order the government to do so.